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Application Serial No. : 10/667,021
Applicants : Robert Moss, et al.
Filed : 18 September 2003
Title : METHODS AND STRUCTURE FOR SCAN
TESTING OF SECURE SYSTEMS
Art Unit : unknown
Examiner : unknown
Docket Number : 03-0172
Date : 6 February 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR UNCOOPERATIVE INVENTOR
IN RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to the Notice to File Missing Parts mailed 12 December 2003, a copy of which is attached hereto, please accept this petition under 37 C.F.R. §1.181 pursuant to 37 C.F.R. §1.47(a).

Petition Under 37 C.F.R. §1.47(a)

1. Mr. Michael Howard (co-inventor) signed an oath and declaration in the above-identified patent application ("Patent Application") and through the undersigned attorney hereby requests acceptance of the filing of the Patent Application on behalf of himself and the non-signing co-inventor, Mr. Robert Moss.

2. Mr. Moss received a copy of the Patent Application (including specification, claims, drawings and oath and declaration) on 9 January 2004 at his last known address by certified mail return receipt requested (a copy of the cover letter and return receipt is attached hereto).

3. Mr. Moss contacted the undersigned attorney on 3 February 2004 by telephone. In that conversation, Mr. Moss confirmed his receipt of the Patent Application and explicitly confirmed his earlier refusals to sign the oath and declaration. Mr. Moss' reasons for refusal are discussed below in the Statement of Relevant Facts.

Statement of Relevant Facts

4. Mr. Moss was terminated as an employee of LSI Logic Corporation (Assignee of the Patent Application) prior to preparation of a first draft of the Patent Application.

5. Mr. Moss received an electronic copy of a first draft of the Patent Application on or about 28 May 2003 by e-mail from the undersigned attorney (copy of the e-mail attached hereto).

6. Mr. Moss responded in an e-mail (copy of the e-mail attached hereto) to the undersigned attorney on 28 May 2003 that he had spoken with LSI representatives and agreed to review the Patent Application only in final form after review by co-inventor Mr. Howard (still an LSI employee).

7. Between 28 May 2003 and early September 2003, Mr. Moss made some time to review drafts of the Patent Application including a draft sent 18 August 2003 that was deemed acceptable to co-inventor Mr. Howard.

8. In an e-mail dated 14 September 2003 from Mr. Moss to the undersigned attorney (a copy of the e-mail is attached hereto), Mr. Moss summarized his reasons for refusing to sign the declaration. In essence, Mr. Moss expressed concerns that the claims were too broad and may cover aspects of the concept that he did not invent while an LSI employee.

9. Co-inventor Mr. Howard signed the oath and declaration on or about 18 August 2004.

10. The Patent Application was filed on 18 September 2003 without Mr. Moss' signature.

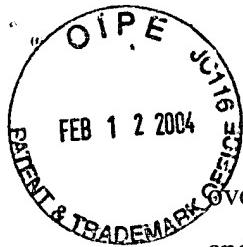
11. Prior to preparation of this response, on 9, January 2004, the undersigned attorney forwarded a copy of the Patent Application as filed (including specification, claims, drawings and oath and declaration) by certified mail return receipt requested to the last known residence address of Mr. Moss and again requested Mr. Moss consider joining the invention by signing the oath and declaration.

12. On 3 February 2004, the undersigned attorney spoke with Mr. Moss and Mr. Moss confirmed his receipt of the letter of 9 January 2004 and reiterated his refusal to sign the oath and declarations for the reasons stated earlier.

Conclusion

Applicants hereby have petitioned under 37 C.F.R. §1.181 pursuant to 37 C.F.R. §1.47(a) for acceptance of the above-identified patent application without the signature of one co-inventor, Mr. Moss, who has refused to sign the oath and declaration. Applicants have included proof that Mr. Moss received a copy of the patent application (including specification, claims, drawings and oath and declaration) from the undersigned attorney and that Mr. Moss has refused to sign the oath and declaration. Applicants have summarized and provided a copy of an e-mail with reasons provided by Mr. Moss for his refusal to sign the patent application oath and declaration and a statement of other pertinent facts relating to Mr. Moss' refusal to sign.

The Commissioner is hereby authorized to charge appropriate fees to the deposit account 12-2252 associated with this patent application. Fees due should include the surcharge for missing parts pursuant to 37 C.F.R. §1.16(e) (\$130) and the petition fee set forth in 37 C.F.R. §1.17(h) (\$130). The Commissioner is also authorized to charge any additional fees which may be due in connection with this submission or credit any

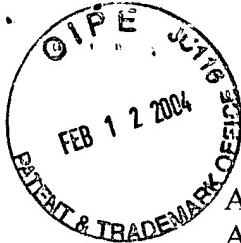


Overpayments to deposit account 12-2252. Should any issues remain, the Examiner is encouraged to telephone the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink.

Daniel N. Fishman #35,512
Duft Setter Ollila & Bornsen, LLC
2060 Broadway, Suite 300
Boulder, CO 80302
(303) 938-9999 x21
(303) 938-9995 (fax)



Application Serial No. : 10/667,021
Applicants : Robert Moss, et al.
Filed : 18 September 2003
Title : METHODS AND STRUCTURE FOR SCAN
TESTING OF SECURE SYSTEMS
Art Unit : unknown
Examiner : unknown
Docket Number : 03-0172
Date : 6 February 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE USPTO OF
ITEM CONSIDERED AS OMITTED IN NOTICE TO FILE MISSING PARTS**

Sir:

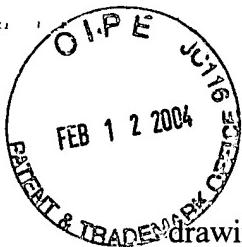
In response to the Notice to File Missing Parts mailed 12 December 2003, a copy of which is attached hereto, please accept this petition under 37 C.F.R. §1.181 pursuant to 37 C.F.R. §1.53(e)(2).

Petition Under 37 C.F.R. § 1.53(e)(2)

Applicants hereby petition under 37 C.F.R. § 1.53(e)(2) for a review of the determination as indicated in the Notice to File Missing Parts of Nonprovisional Application, dated December 12, 2003, that an item was omitted from the application.

1. Applicants assert that drawing Figure 4, which is indicated as omitted, was, in fact, submitted to the USPTO with the original application papers filed on September 18, 2003.

2. Attached hereto are copies of the following documents which evidence deposit of drawing Figure 4 with the original application papers:



- (a) Utility Patent Application Transmittal indicating that 4 sheets of drawing figures are enclosed;
- (b) Certificate of Mailing via Express Mail indicating that 4 pages of drawing figures are enclosed; and
- (c) Return postcard stamped by the USPTO indicating that 4 pages of drawing figures were received.

3. Also attached hereto are copies of the 4 sheets of drawing figures submitted with the original application on September 18, 2003.

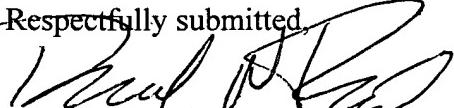
4. The Commissioner is authorized to charge the petition fee in the amount of \$130.00 to Deposit Account No. 12-2252.

5. It is respectfully requested that, upon grant of the petition under 37 C.F.R. 1.53(e)(2), the petition fee be refunded by deposit to Account No. 12-2252.

Conclusion

Applicants respectfully submit that drawing Figure 4, which is indicated as omitted, was, in fact, submitted to the USPTO with the original application papers filed on September 18, 2003, and request that their petition be granted. The Commissioner is authorized to charge any additional fees which may be due in connection with this submission or credit any overpayments to deposit account 12-2252. Should any issues remain, the Examiner is encouraged to telephone the undersigned attorney.

Respectfully submitted,



Daniel N. Fishman #35,512
Duft Setter Ollila & Bornsen, LLC
2060 Broadway, Suite 300
Boulder, CO 80302
(303) 938-9999 x21
(303) 938-9995 (fax)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22314-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/667,021	09/18/2003	Robert Moss	03-0172

CONFIRMATION NO. 9135

24319
LSI LOGIC CORPORATION
1621 BARBER LANE
MS: D-106 LEGAL
MILPITAS, CA 95035

FORMALITIES LETTER



"OC000000011482303"

Date Mailed: 12/12/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
Robert Moss
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been omitted from the application:

- Figure(s) 4 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date



being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within TWO MONTHS of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- o \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

NE

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



DUFT SETTER OLLILA & BORNSEN LLC

Intellectual Property Law Firm

2060 BROADWAY, SUITE 300
BOULDER, CO 80302
PHONE 303-938-9999
FACSIMILE 303-938-9995

dfishman@dsoblaw.com
303-938-9999 x21

January 7, 2004

By Certified Mail, Return Receipt

Mr. Robert Moss
2020 Creekside Drive
Longmont, CO 80504

RE: LSI 03-0172 Required Signatures

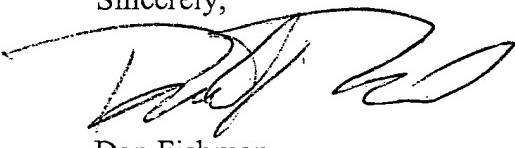
Dear Mr. Moss:

Enclosed is a copy of the above-identified patent application as filed on September 18, 2003. We have one last opportunity to obtain your signature as a co-inventor on the Declaration, Power of Attorney and Assignment documents.

Please sign the attached documents and return them to me in the enclosed, stamped, pre-addressed envelope by January 23, 2004.

I appreciate your assistance on this matter and, as always, it is my pleasure working with you. Please contact me if there are any questions.

Sincerely,



Dan Fishman

Enclosures

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

4711 2826 0002 22

OFFICIAL USE

Postage	\$	117/04
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$5.34	

Sent To
Robert Moss
**Street, Apt. No.,
or PO Box No.** 2020 Creekside Drive
City, State, ZIP+4 Longmont, CO 80504
PS Form 3800, April 2002 See Reverse for Instructions

SENDER COMPLETE THIS SECTION		COMPUTE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <i>Robert Moss</i></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Robert Moss</i></p> <p>C. Date of Delivery <i>1-9-04</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Robert Moss 2020 Creekside Drive Longmont, CO 80504</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7002 0860 0002 2826 4711</p>			
PS Form 3811, August 2001		Domestic Return Receipt LSI C3-C172	
		2ACPRI-03-Z-0985	

Dan Fishman

From: Fishman, Daniel
Sent: Wednesday, May 28, 2003 9:05 AM
To: Robert Moss (moss.robert@attbi.com)
Subject: First draft patent application

Attached is a PDF file with a proposed first draft patent application for the Secure Scan Mode invention.

The PDF password is the LSI docket number.

Please carefully review the draft and return any comments to me. In particular, please be certain the claims express the invention as broadly as you feel is deserved and also more narrowly with respect to your preferred and best known embodiments.

WE'LL WILL NEED TO GET MR. MOSS TO REVIEW THIS AS WELL BUT HE HAS LEFT THE COMPANY. PLEASE PROVIDE ME WITH ANY CONTACT INFORMATION YOU MAY HAVE SO THAT I MIGHT SPEAK WITH HIM AND SEND A COPY FOR HIS REVIEW.

Thank you.

Daniel N. Fishman
Lathrop & Gage L.C.
4845 Pearl East Circle, Suite 300
Boulder, CO 80301
720-931-3025 (Voice)
303-415-0613 (Cell)
720-931-3001 (Fax)



app with
ires.pdf (115 |

Dan Fishman

From: Robert Moss [moss.robert@attbi.com]
Sent: Wednesday, May 28, 2003 10:37 AM
To: Fishman, Daniel
Cc: pscott@lsil.com
Subject: Re: First draft patent application

Dan,

I wanted to let you know that I received the documents that you sent and that I have spoken with Pete Scott in LSI IP dept. I have indicated to them that I am only willing to do a final review for accuracy and intent w/o compensation.

If LSI chooses to provide me with the same compensation that an LSI employee would receive then I will be working with you, otherwise you will have to arrive at capturing the ideas with Mike Howard until final draft.

I apologize that you are caught in the middle of this.

Thanks,

Robert Moss

On Wednesday, May 28, 2003, at 10:05 AM, Fishman, Daniel wrote:

An earlier email attached a PDF file with a proposed first draft patent application for the Secure Scan Mode invention.

The PDF password is the LSI docket number 03-0172

Daniel N. Fishman

Lathrop & Gage L.C.

4845 Pearl East Circle, Suite 300

Boulder, CO 80301

720-931-3025 (Voice)

303-415-0613 (Cell)

720-931-3001 (Fax)

Dan Fishman

From: Robert Moss [moss.robert@comcast.net]
Sent: Sunday, September 14, 2003 8:13 PM
To: Fishman, Daniel
Cc: Robert Moss (moss.robert@attbi.com); Pete Scott (Pete Scott)
Subject: Re: Revised Final Draft Patent Application

Dan,

I have completed the review of this last revision of the patent. There are still some updates that will be required after your last round of changes to cover some technical inaccuracies as well as new typo introductions / naming inconsistencies, etc.. We will need to set up an evening teleconference to discuss the changes (They will not take you long to incorporate).

I am rather disappointed that none of the broad sweeping paragraphs that I requested be removed were taken out. I am also disappointed that some of the overly broad claims that I specifically pointed out and were not rewritten.

I can state that the claims, as written, attempt to patent prior art and most likely cover existing patents. I am not sure whether the PO will simply delete these claims, or require a rewrite (Deleting them may weaken the IP, I think it is in LSI's best interest to properly frame the claims to start with).

Though the broadness of the claims is a legal issue that LSI may wish to take on, I do not think that I can assign LSI ownership over claims that are so broad they cover things that I did not invent as an employee of LSI. I am bound now by the requirements of my current employer and any innovation that I contribute while employed by them I must assign to them, as I similarly agreed with LSI to assign inventions while employed

by LSI. The broadness of the claims, even if unenforceable via the patent law, may be enforceable in the process of assignment. Therefore, if I am to pursue completion of the assignment with the claims as stated, I will need to have permission from LSI legal to disclose this application to the legal department of my current employer to see whether they will allow me to sign the assignment - or whether that will be in violation of the agreement that I have in place with them. (Basically, the claims force me to assign to LSI things which have not yet been invented since they cover more than variants of the representative implementation, but the complete class of all possible solutions to the problem)

I am really wishing that LSI had agreed to compensate me for this. I have been through three iterations, and will now have to perform a fourth. No-one at LSI is apparently reviewing these good enough to even catch typos. All I did was agree to perform a final review, but apparently LSI wants me to do all the review work and receive none of the compensation. My wife has stated I have spent way too much of our family's time on this (I of course cannot use time while at my current employer).

Since I help my wife take care of our special needs son, along with the other kids, I will only make myself available post kid bedtime. If we can schedule a phone call later this week for 9-10 PM (may I suggest Thursday or Friday), if that does not work I can make time available during the day Saturday. In the mean time, you may want to pursue constraining the claims to the content of the invention, and if LSI legal is not willing to do that you should begin investigating the process of disclosing this work to my current companies legal department.

I might also suggest that if LSI thinks that further invention has occurred since I left, that they document that specifically and submit an additional patent application where I am not named as an inventor of said additional invention.

-Robert Moss

On Monday, August 18, 2003, at 12:39 PM, Fishman, Daniel wrote:

Attached is a PDF file with a proposed revised final draft of the Secure Scan patent application.

The PDF password is the LSI docket number.

The file includes a clean copy of the final draft, a copy marked to show changes, the near-final figures (the word "mode" is being changed to "test" in the formal figures in the hands of the draftsman), and new signature documents.

Mr. Howard, Mr. Moss had a few comments for additional changes. Also I realized that the title was incorrect on the Declaration and Assignment that was prepared. The Power of Attorney signature we have from you is fine. Please review the changes made and, if acceptable, print and sign the Declaration and Assignment documents at the end of the PDF file. Please print them single-sided (not 2-sided print) and sign and date where indicated in blue ink. Return the signed originals to me at the address below.

Mr. Moss,

I made the changes you suggested. Mr. Scott wants the claims left as is. We would appreciate your signature on the Declaration, Assignment and Power of Attorney documents attached to the end of the PDF file. Please print them out (single-sided) and sign and date in blue in where indicated. Return the signed originals to me at the address below. If you cannot/will not sign the documents with the claims in the present state, please so indicate by return email as soon as possible. If you have questions about this, please feel free to contact me or Mr. Scott.

Thanks to all!

Daniel N. Fishman

Lathrop & Gage L.C.

4845 Pearl East Circle, Suite 300

Boulder, CO 80301

720-931-3025 (Voice)

303-415-0613 (Cell)

720-931-3001 (Fax)

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 03-0172

First Inventor Robert Moss

Title Methods and Structure for Scan Testing of Secure Systems

Express Mail Label No. EL 820325921 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 12]
(preferred arrangement set forth below)
- Descriptive title of the Invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (*if filed*)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Sheets 2]
a. Newly executed (original or copy)
b. Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
- i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:Commissioner for Patents
Mail Stop Patent Application
P.O. Box 1450
Alexandria VA 22313-1450

7. CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
a. Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. CD-ROM or CD-R (2 copies); or
ii. paper
c. Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 C.F.R. 3.73(b) Statement Power of Attorney
(when there is an assignee)
11. English Translation Document (*if applicable*)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: Certificate of Mailing; Additional Return Postcard

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP)
Prior application information: Examiner _____ of prior application No: _____ / _____
Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS Customer Number or Bar Code Labelor Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Daniel N. Fishman	Registration No. (Attorney/Agent)	35,512
Signature			Date 18 SEP 2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



FEB 12 2004

Practitioner's Docket No. 03-0172 [409119]

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert Moss et al.

Application No.: Not yet assigned
Filed: Herewith Group No.: Not yet assigned
Examiner: Not yet assigned

For: METHODS AND STRUCTURE FOR SCAN TESTING OF SECURE SYSTEMS

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
via EXPRESS MAIL

"Express Mail" labels number EL 820325921 US

Date of Deposit: September 18, 2003

I hereby state that the following *attached* papers

1. Utility Patent Application Transmittal (1 page)
2. Fee Transmittal in duplicate (2 pages)
3. Specification including Claims and Abstract (12 pages)
4. Figures (4 pages)
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